



Office of the Attorney General
State of Texas

March 30, 1992

DAN MORALES
ATTORNEY GENERAL

Mr. Don Shields
County Superintendent
Dallas County Schools
612 North Zang Boulevard
Dallas, Texas 75208

OR92-126

Dear Mr. Shields:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15241.

You have received a request for "copies of the name, address, and telephone number of all non-professional employees of the [Dallas County School] District" (the "district"). You ask whether the district may release the requested information without employee permission.

Section 6(2) of the Open Records Act specifically makes public "the names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of governmental bodies." *See also* Open Records Decision No. 342 (1982). Section 3(a)(17)(A) excepts from required public disclosure "the home addresses or home telephone numbers of each official or employee or each former official or employee of a governmental body except as otherwise provided by Section 3A of this Act." Section 3A(a) provides that section 3(a)(17) may be applied only when an employee indicates in writing that he does not want his home address and telephone number disclosed. A governmental body may not solicit a response from its employees under section 3A in response to a pending open records request; whether requested information is public under section 3A and section 3(a)(17) is determined as of the time the request for information is made. Open Records Decision No. 530 (1989) (copy enclosed).

You advise us:

At the present time, Dallas County Schools is in the process of providing a form for an employee to request in writing that the information relating to his/her home address and home telephone number be closed or open.

You state in your letter to us that the form is "being presented to the employees *at this time*." (Emphasis added.) However, in a subsequent communication with this office, you advised us that the forms have not yet been distributed. In any event, it is clear that the district had not solicited this information at the time the request was made. Accordingly, because the employees have not indicated pursuant to section 3A of the Open Records Act whether they consent to release of their home addresses and telephone numbers, you may not withhold that information under section 3(a)(17). The requested information must be released in its entirety.¹

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-126.

Yours very truly,



Mary R. Crouter
Assistant Attorney General
Opinion Committee

MRC/GK/nhb

Enclosures: Open Records Decision No. 530

Ref.: ID# 15241

¹Section 3A, however, provides that an employee shall have 14 days after the date on which his employment begins to indicate in writing whether he consents to release of his home address and home telephone number. Accordingly, you are not required to release information pertaining to new employees who have not yet been employed by the district for 14 days.

cc: Mr. Doug Young
Attorney at Law
602 West 11th Street
Austin, Texas 78701
(w/o enclosures)